

## MEMO

TO: Members of the New Jersey Asphalt Pavement Association (NJAPA)

FROM: Brian S Montag

DATE: March 26, 2020

RE: Governor Murphy's Executive Orders 107 and 108

The purpose of this memorandum is to inform NJAPA members about their companies' rights to operate under Executive Orders 107 and 108. NJAPA members may provide this memorandum to any municipal, county, or other government official or person/entity to help educate and advise them as to their rights to operate.

Under the laws currently in effect in New Jersey, member companies of the NJAPA are allowed to fully conduct their business, without municipal or county interference or restrictions. In Executive Order No. 107, Governor Murphy directed that "[t]he brick-and-mortar premises of all non-essential retail businesses" and "[a]ll recreational and entertainment businesses . . . must close to the public as long as this Order remains in effect." NJAPA members are not retail, recreational, or entertainment businesses, and thus, are not subject to mandatory shut-down. Executive Order No. 107 specifically provides that "[e]xamples of employees who need to be physically present at their work site in order to perform their duties include, but are not limited to . . . **construction workers, utility workers, [and] repair workers.**" Employees of NJAPA members belong to such categories, so they are allowed to do their work onsite.

Moreover, Governor Murphy's Executive Order No. 108 also states that "[a]ny county or municipal restriction imposed in response to COVID-19 that in any way will or might conflict with any of the provisions of Executive Order No. 107 (2020), or which will or might in any way interfere with or impede its achievement, or the achievement of Administrative Orders issued as authorized by my Executive Orders, is hereby invalidated."

As a result of these orders, NJAPA members are fully permitted to continue their work, and municipalities/counties may not restrict, interfere or seek to impede that work in response or related to COVID-19.